SLS 09RS-113 ORIGINAL

Regular Session, 2009

SENATE BILL NO. 46

BY SENATOR ALARIO

1

2

3

4

5

7

8

9

10

11

13

14

15

16

17

TAX/AD VALOREM. Constitutional amendment to delete the authority of taxing authorities to roll forward ad valorem tax millage rates after a reappraisal. (2/3 - CA13s1(A))

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, relative to the adjustment of ad valorem tax millages; to remove the authorization for an increase in authorized millages after reappraisal by a vote of the taxing authority; to provide for related matters and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 23(C) of the Constitution of Louisiana, to read as follows:

§23. Adjustment of Ad Valorem Tax Millages

12 * * *

(C) Increases Permitted. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 18 and 20 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (1) levying additional or increased millages as provided by law or (2) placing additional property on the tax rolls. Increases in the millage rate in excess of the rates

established as provided by Paragraph (B) above but not in excess of the prior year's maximum authorized millage rate may be levied by two-thirds vote of the total membership of a taxing authority without further voter approval but only after a public hearing held in accordance with the open meetings law; however, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Such public notice shall be published in the official journal of the taxing authority, and another newspaper with a larger circulation within the taxing authority than the official journal of the taxing authority, if there is one.

* * *

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 2, 2010.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To remove the authorization of property tax authorities to increase ad valorem tax millage rates, not to exceed the prior year's maximum, by a two-thirds vote of the taxing authority after property is reappraised and valued at least every four years as required by the constitution. (Amends Article VII, Section 23(C))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Danielle Doiron.

DIGEST

<u>Present constitution</u> provides that all property subject to ad valorem taxation must be reappraised and valued at intervals of not more than four years. When a reappraisal is done pursuant to this requirement, millage rates are automatically adjusted so as to provide that total collections for the taxing authority remain the same.

<u>Present constitution</u> further provides that a taxing authority may increase the millages with a 2/3 vote of the total membership without voter approval but only after a public hearing held in accordance with the open meetings law. This increase cannot exceed the prior year's maximum authorized millage rate.

<u>Present constitution</u> requires public notice in the official journal and another newspaper with a larger circulation on two separate days at least one week prior to public hearing.

<u>Proposed constitutional amendment</u> removes the provision which allows increases in millage rates above the prior year's maximum authorized millage rate levied by a 2/3 vote of the taxing authority.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Art.VII, §23(C))